

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 55 and 84 will have been amended and claim 56 will have been canceled without prejudice or disclaimer. Accordingly, claims 28 - 55 and 57 - 84 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated that claims 70 - 82 are allowed and that claim 84 contains allowable subject matter and would be allowable if presented in an independent form that include all of the features of its base claim and any intervening claim. The Examiner has rejected claims 55 - 60 based upon formal matters and rejected claims 28 - 83 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 70 - 82 are allowed. Applicants further acknowledge that claim 84 contains allowable subject matter and would be allowable if presented in independent form to include all of the features of its base claim and any intervening claims. Accordingly, by the present amendment, claim 84 has

been presented in independent and allowable form.

Moreover, Applicants note that, as claim 83 has not been rejected, it appears that the Examiner inadvertently failed to identify this claim as allowable. Therefore, Applicants request acknowledgment of the allowability of claim 83 in the next official action.

Objection to the Claims is Moot

By the present amendment, claim 56 has been canceled without prejudice or disclaimer in order to avoid any confusion in the claims. Accordingly, Applicants submit that the Examiner's objection is now moot.

Traversal of Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicants traverse the Examiner's rejection of claims 55 - 60 under 35 U.S.C. § 112, second paragraph, as being indefinite.

By the present amendment, claim 55 has been revised to address and overcome the formal matters noted by the Examiner. Moreover, as amended claim 55 recites a different, but not narrower, scope than originally submitted claim 55, Applicants submit that no estoppel should be deemed to attach.

With regard to claims 59 and 60, Applicants note that the original disclosure and drawings clearly set forth that an additional former can be located downstream of the second deflection device, as recited in these claims. Thus, Applicants submit that these claims are fully in compliance with the requirement of the statute.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 55 and 57 - 60 under 35 U.S.C. § 112, second paragraph, and indicate that these claims are in proper form for U.S. patent practice.

Moreover, as these claims were not rejected over the art of record, Applicants submit that these claims are now allowable, and acknowledgment of the same by the Examiner is requested in the next official communication.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 28 - 54 and 61 - 69 under 35 U.S.C. § 103(a) as being unpatentable over HALMSCHLAGER et al. (European Patent Application No. 0 933 473) in view of BUBIK et al. (U.S. Patent No. 4,417,950) [hereinafter “BUBIK”], KANKAANPAA (U.S. Patent No. 4,406,739) and ARMSTRONG et al. (U.S. Patent No. 4,425,187) [hereinafter “ARMSTRONG”]. The Examiner asserts that HALMSCHLAGER shows the recited features with the exception of guiding the wires at an upward angle with an upper vortex of the second deflection roll being higher than a lower vertex of the first deflection roll. However, the Examiner asserts that, as BUBIK shows an upward guiding of the wires, it would have been obvious to modify HALMSCHLAGER to utilize the same arrangement. The Examiner has also indicated that KANKAANPAA and ARMSTRONG support the asserted modification. Applicants traverse the Examiner’s assertions.

Applicants note that, while HALMSCHLAGER shows a twin wire former, this

document fails to teach or suggest a second deflection device located after the separating device that is arranged to deflect the second endless wire carrying the forming web over an upper vertex of the second deflection device, as recited in claim 28. Instead, HALMSCHLAGER discloses a suction pick-up roll to remove the web from passing wire 12. Moreover, Applicants note that HALMSCHLAGER fails disclose or suggest that, after the second deflection device, the second wire is arranged to run at a downward angle, as recited in at least independent claim 28.

In contrast to the construction of HALMSCHLAGER's twin wire former, BUBIK discloses a structurally distinctive former in which an upper wire is pivotably mounted to open and close contact with the lower wire. While Figure 5 of BUBIK arguably shows separated and upwardly guided wires guided over a deflection roll, Applicants note that BUBIK fails to provide any teaching or suggestion of any benefits that are achieved through this arrangement, nor is there any teaching or suggestion of any problem in the art this is addressed by the particular arrangement.

Because the art of record fails to provide any reasonable explanation why one ordinarily skilled in the art would utilize such an arrangement, or what problems such an arrangement would address, Applicants submit that the art of record fails to provide the requisite motivation or rationale as to why one ordinarily skilled in the art would modify HALMSCHLAGER in the manner asserted by the Examiner. That is, Applicants submit that

an articulable reason for modifying HALMSCHLAGER in the manner asserted by the Examiner must be found in the art of record, or at least have a basis in the art, which the instant rejection lacks.

Moreover, because the two formers are structurally distinct from each other, Applicants submit that the art of record fails to provide any showing that the use of the BUBIK arrangement would have any utility at all in HALMSCHLAGER. For example, it is noted that BUBIK provides significant dewatering prior to pressing the material suspension between two wire, whereas HALMSCHLAGER's initial dewatering is while the suspension is between the two wires. Thus, in this regard, it is likewise note apparent that HALMSCHLAGER can operated in its intended manner if modified according to the Examiner's rejection. In particular, as HALMSCHLAGER requires a forming shoe (not utilized by BUBIK) as well as forming strips (not utilized by BUBIK) and suction after the first deflection device, whereas BUBIK requires only a catch basin, it is apparent that the asserted combination would prevent HALMSCHLAGER from operating in its intended manner, or so materially change BUBIK, such that the modification would be based, not upon the teaching of BUBIK, but upon Applicants' disclosure.

Moreover, Applicants note that KANKAANPAA and ARMSTRONG likewise disclose structurally distinct formers from both HALMSCHLAGER and BUBIK. Thus, Applicants submit that these documents, too, fail to teach or suggest the necessary motivation

or rationale to modify HALMSCHLAGER in the manner asserted by the Examiner. In this regard, even assuming that the benefits of the arrangements of BUBIK, ARMSTRONG, and/or KANKAANPAA were expressly disclosed, Applicants submit that the art of record fails to provide any teaching or suggestion that HALMSCHLAGER would enjoy a corresponding benefit through modification in the manner asserted by the Examiner, and certainly fails to show that such a modification would have been obvious.

Accordingly, Applicants submit that the asserted rejection of independent claim 28 is improper and should be withdrawn.

Further, Applicants submit that claims 29 - 54 and 61 - 69 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of HALMSCHLAGER in view of BUBIK teaches or suggests the combination of features recited in these dependent claims.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 28 - 54 and 61 - 69 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and

respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The Commissioner is authorized to charge to Deposit Account No. 19 - 0089 any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, in order to maintain pendency of this application.

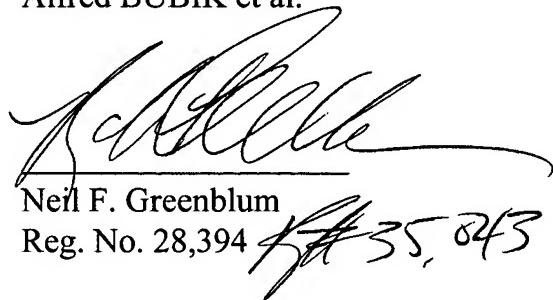
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 28 - 55 and 57 - 84. The claims have been amended to eliminate any arguable basis for rejection under 35 U.S.C. § 112. In addition, the applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Alfred BUBIK et al.



Neil F. Greenblum
Reg. No. 28,394 

August 7, 2003
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191